

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

In re:)
)
STAYTON SW ASSISTED LIVING, L.L.C.,) Case No. 6:09-cv-6082-AA
)
(Constituting the Sunwest Unitary) ORDER
Enterprise as determined by the)
Order on October 2, 2009 in U.S.)
District Court Case No. 09-cv-6056-)
HO),)
)
Debtor.)
)
)
)

AIKEN, Chief Judge:

W. Holmes and Company has performed accounting services for Jon Harder related to tax years 2007 through 2010. The Tax returns filed on behalf of Jon Harder for those tax years impact tax issues related to the debtor in this case. The court allowed payment from the Receiver or Chief Restructuring Officer for fee petitions filed

in August of 2009, July of 2010, and September of 2010 totaling approximately \$816,509 in the Jon Harder Bankruptcy case. See Order #s 981, 1103, 1106 in Case No. 09-cv-6074-HO. In the latter order, the court awarded Holmes and Company \$258,000, after negotiations with a court appointed mediator, as full payment of the company's final fee application on December 2, 2010. On December 1, 2010, William Holmes informed the mediator that he still had work in progress and the mediator told Holmes to stop working absent further court approval.

Sometime in late March or Early April of 2011, Holmes met with the court to negotiate further reimbursement and it is the court's recollection that an additional fee application would be permitted. On April 6, 2011, Holmes submitted a fee application seeking compensation in the amount of \$150,000 (#1968). The court granted the application in the amount of \$150,000. (#1978). No further fee applications have been filed in this case since that time.

The court is now in receipt of "W. Holmes & Company, LLP's Third Notice of filing of Billing Statements" purportedly served on all parties of record on October 3, 2013. This fee application has not been filed electronically or otherwise in this case. The court directs the clerk to file the fee petition in this case electronically.

As noted above, the court recalls that no further fee applications after the April, 2011 fee application would be

permitted and the current application seeks payment for services performed on behalf of Jon Harder from September 11, 2011, through December 6, 2012 in the amount of \$103,795.85. Accordingly, all interested parties are directed to show cause, within 30 days from the date of this order, as to why the court should not deny the fee application.

DATED this 17th day of January, 2014.


Ann Aiken
United States District Judge